

**REPEALED BY BY-LAW NO. 7470/99
MAY 26, 1999**

THE CITY OF WINNIPEG

BY-LAW NO. 145/72

**A By-law of The City of Winnipeg to regulate
the licensing of lotteries, raffle lotteries and
lottery schemes conducted at bazaars.**

WHEREAS by Manitoba Order-in-Council No. 282/70, The City of Winnipeg may issue a license authorizing any charitable or religious organization to conduct a bingo lottery, a raffle lottery or a lottery scheme held at a bazaar, pursuant to the terms of the Order-in-Council.

NOW THEREFORE THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. No person shall conduct a bingo lottery, a raffle lottery or a lottery held at a bazaar without having a license from the City so to do, nor shall any person conduct a bingo lottery, a raffle lottery or a lottery scheme held at a bazaar for which a license has been issued after the license has lapsed or been cancelled, unless and until a new license is issued therefor.
2. Any charitable or religious organization may make application for a license under this by-law in the form approved by the Attorney-General pursuant to Order-in-Council No. 282/70 and any amendments thereto made from time to time.
3. The fees payable on each application for a license under this by-law shall be as follows:
 - (a) Bingo Lotteries
 - (i) where the total value of prizes to be awarded within each operation does not exceed \$250.00, a license fee of \$1.00.
 - (ii) where the total value of prizes to be awarded within each operation exceeds \$250.00 but does not exceed \$500.00, a license fee of \$2.00.
 - (iii) where the total value of prizes to be awarded within each operation exceeds \$500.00, a license fee of 1% of the total value of prizes as stated in the application.
 - (iv) the fee for a license for a series of bingo lotteries shall be assessed on the same basis as in (i), (ii) and (iii) above.

(b) Raffle Lotteries

A license fee of 1% of the total value of prizes to be awarded.

(c) Lottery Scheme Held at Bazaar

A license fee of \$5.00

4. (1) No license to conduct a bingo lottery, a raffle lottery or lottery scheme held at a bazaar shall be issued to any applicant unless the Chief of Police of the Community concerned has, at the request of the Inspector of Licenses for that Community, issued a certificate to the effect that the applicant is of good character.

(2) Where any Chief of Police has refused to issue a Certificate of Good Character, the applicant may apply therefore to the Board of Commissioners of Police for the Inner City Joint Community, to the Board of Commissioners of Police for the St. Boniface Community, or to the Community Committee having jurisdiction, as the case may be, and any certificate in that respect given by any one of those agencies shall satisfy the requirements of this section.

5. **SCHEDULES**

The documents attached hereto and marked Schedules "A", "B", "C", "D", "E", "F", "G", "H" and "I", respectively, shall form part of this By-law, and shall be identified by the signature of the City Clerk.

6. **ADMINISTRATION**

This By-law shall be administered by the Inspector of Licenses for the Community concerned, who shall be responsible for the issuing of all licenses for lotteries to be conducted within that Community.

7. **REPEAL**

(1) Subject to subsection (2), all by-laws, regulations, resolutions and orders in force within the City on the coming into force of this by-law, regulating the issue of licenses in pursuance of the said Order-in-Council No. 282/70 are hereby repealed, including the following:

- (a) The City of West Kildonan By-law numbered 21/70/B.
 - (b) The City of St. James-Assiniboia By-law numbered 427/70.
 - (c) The Rural Municipality of Charleswood By-law numbered 1707.
 - (d) The Town of Tuxedo By-law numbered 1217.
 - (e) The City of East Kildonan By-law numbered 4869.
 - (f) The City of Transcona By-law numbered 65/70.
 - (g) The City of St. Boniface By-law numbered 4879.
 - (h) The Rural Municipality of Fort Garry By-law numbered 5427.
 - (i) The City of St. Vital By-law numbered 8461.
 - (j) The City of Winnipeg By-laws numbered 19773 and 19845.
- (2) This section does not affect the validity of any license granted pursuant to any of the by-laws referred to in subsection (1), before the coming into force of this By-law.

8. This By-law shall come into force on the 1st day of January, 1973.

DONE AND PASSED in Council assembled, this 9th day of June, A.D., 1972.

CITY CLERK.

SCHEDULE "A" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

ORDER-IN-COUNCIL NO. 282/70

Terms and Conditions Relating to the Management
and Conduct of Lotteries Licensed by Municipal
Governments.

INTERPRETATION

1. **"Charitable object or purpose"** means any object or purpose for
 - (a) the relief of poverty,
 - (b) education,
 - (c) the advancement or religion, or
 - (d) any purpose beneficial to the community.
2. **"Charitable organization"** means an organization which performs services of public good or welfare without profit.

AUTHORITY TO LICENCE

3. A municipal council may, where it deems it expedient in the best interest of the inhabitants of the municipality, issue a licence authorizing any charitable or religious organization to conduct a bingo lottery, a raffle lottery, or a lottery scheme held at a bazaar, where
 - (a) the proceeds from the lottery are used for a charitable or religious object or purpose in Manitoba, and
 - (i) in the case of a bingo lottery or a raffle lottery the total value of all prizes to be awarded within the operation of a single such lottery does not exceed \$3,000.00 in cash or merchandise or articles at equivalent market retail value;
 - (ii) in the case of a lottery scheme conducted at a bazaar, such lottery scheme is conducted in accordance with Section 179A (1) (c) (ii) of the Criminal Code of Canada.

4. Notwithstanding paragraph 3, above, a municipal council shall not issue a licence to a charitable or religious organization where,

- (a) the organization purposes to use the services of a person or organization to conduct and manage the lottery on its behalf, for a fee or other valuable consideration,
- (b) Pyramiding of games is to be permitted, or
- (c) games of a type or kind known as razzle dazzle, roll down, three card monte, punch board, coin table or any dice games are to be operated.

5. Each municipality shall report annually by February 1st to the Attorney-General, in a form approved by the Attorney-General, particulars on such lotteries as may be licensed by it during the preceding calendar year.

APPLICATION FOR LICENCE

6. The application for a licence shall be in a form approved by the Attorney-General.

LICENSES

7. The licence issued by the municipality shall be in a form approved by the Attorney-General.

8. A copy of each licence issued shall be forwarded to the head of the appropriate law enforcement agency acting on behalf of the municipality.

9. A bingo lottery licence may be issued for a single occasion or for a number of occasions occurring during a period not exceeding one calendar year, and the licence shall specify the place where the bingo lottery is to be operated, the date or dates of operation, and the starting and finishing times.

OPERATION OF LOTTERIES

10. In addition to any special terms and conditions which may be imposed by a municipal council, the following terms and conditions shall apply with respect to the operation of lotteries licensed by municipalities:

- (a) The licensee shall comply with sections 179 and 179A of the Criminal Code;

- (b) The licensee shall conduct or allow to be conducted only the type of lottery provided in the application and the licence;
- (c) The licensee shall comply with all the terms and provisions set out in the application and the licence;
- (d) Such officers as the municipality may appoint, and all Peace Officers shall, at all reasonable times, have direct and unencumbered access to enquire into the nature, management and conduct of the proceedings for which the licence has been granted, either prior to, during or after the conclusion of such proceedings;
- (e) The licensee shall produce the licence upon demand.

11. In addition to the terms and conditions set out in paragraph 9 above, each raffle lottery shall be subject to the following terms and conditions:

- (a) each individual raffle lottery must have a licence;
- (b) the winner or winners shall be determined and publicized in the manner set out in the application;
- (c) the licensee shall:
 - (i) indicate on the face of the tickets the licence number, the name and address of the organization, the location, date and time at which the draw will be held, the number and nature of the prizes to be awarded, the ticket number and the name of the printer;
 - (ii) provide for the consecutive numbering of tickets;
 - (iii) retain all unsold tickets and counter foils of sold tickets for a period of not less than 90 days from the date of the draw and produce them to such persons as may be authorized under paragraph 10 (d), and,
 - (iv) indicate in its application the numbers of tickets printed for sale.

FINANCIAL ACCOUNTING AND REPORTING

12. The licensee shall keep and maintain financial records of the lottery scheme, and shall keep all funds raised in a separate account.

13. The gross receipts derived from the lottery scheme shall be used for the charitable or religious purpose or object as set out by the licensee in the application for licence, less the cost of the prizes awarded, and such reasonable and necessary administrative expenses actually incurred in the management and conduct of the lottery, provided such expenses do not exceed 20% of the gross receipts.

14. The licensee shall submit to the municipality, not later than 30 days after the holding of each licensed lottery, a financial statement in a form approved by the Provincial Auditor.

15. The financial statement submitted by the licensee shall, if so ordered by the municipality, be subject to audit, and when an audit is required, the costs of such audit shall be borne by the licensee.

16. The municipality may, at its discretion require the licensee to post a fidelity bond in a form and of a nature satisfactory to the municipality.

LICENCE FEE

17. A municipality may set and charge fees for the issuing of licences, provided the fees charged do not exceed the following limites:

(a) Bingo Lotteries

- (i) where the total value of prizes to be awarded within each operation does not exceed \$500.00, a licence fee not exceeding \$2.00.
- (ii) where the total value of prizes to be awarded within each operation exceeds \$500.00, a licence fee not exceeding 1% of the total value of prizes as set out in the application.
- (iii) the fee for a licence for a series of bingo lotteries may be charged on the same basis as in (i) and (ii) above.

(b) Raffle Lotteries

A licence fee not exceeding 1% of the total value of prizes to be awarded.

(c) Bazaars

A licence fee not exceeding \$5.00.

SUSPENSION OR CANCELLATION OF LICENSE

18. A municipality may suspend or cancel a licence for the breach of any term or condition.

19. The Attorney-General may, at any time suspend or cancel a licence where, in his opinion, to do so is in the public interest.

CITY CLERK.

SCHEDULE "B" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

Issued under the authority of the Department of Attorney-General, Province of Manitoba

License No. _____

Council of The City of Winnipeg

L I C E N C E

is licensed to manage and conduct a _____ Lottery

Scheme at or from the premises municipally known as _____

and situated in the City of Winnipeg subject to all the terms and conditions as agreed to by the Licensee in its application, and upon the date, or during the period and within the hours and to the limits set out herein.

- 1) Date or Period _____
- 2) Frequency _____
- 3) Hours - From _____ To _____
- 4) Total value of all prizes in any lottery conducted under this licence not to exceed \$ _____ in cash, or merchandise or articles at equivalent market value.

Date of issue _____ 19 _____. Licence Fee \$ _____

Authorized Licensing Officer

(Not Transferable)

CITY CLERK.

SCHEDULE "C" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

Issued under the authority of the Department of Attorney-General, Province of Manitoba
Council of The Municipality of Winnipeg

Licence Fees - Raffle Lotteries

1. The appropriate licence fee is to accompany the application.
2. Please do not send cash through the mails.
3. FEE SCHEDULE
 - (a) A fee of 1% of the sum entered in Section (2) of the Application.
4. Cheques or money orders to be made payable to
Commissioner of Finance of The City of Winnipeg.

CITY CLERK.**SCHEDULE "D" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG**

Issued under the authority of the Department of Attorney-General, Province of Manitoba

Council of The City of Winnipeg

APPLICATION TO MANAGE AND CONDUCT A RAFFLE LOTTERY

We, the undersigned, as two principal officers of record of (organization) _____

(address) _____

apply for a licence to manage and conduct a Raffle Lottery from the premises municipality known as _____

and situated in the City of Winnipeg between the dates specified, and for the charitable or religious objects or purposes, and in the manner described herein.

1. The charitable or religious objects or purposes to which proceeds are to be devoted are described as _____

_____.

2. The total value of all prizes to be awarded in the Raffle Lottery for which this application is made is not to exceed \$ _____ cash value, or merchandise or articles at equivalent market retail value.

3. Closing date for the sale of tickets will be _____ and the draw for a winner or winners will be made at (address) _____
on (date) _____ at (time) _____.

4. A winner or winners will be determined by (describe) _____

_____ and the name (s) and address (es) of the winner or winners will be publicized by (describe) _____

5. The total number of tickets to be printed will be _____ and all tickets printed to this total will be numbered consecutively from _____ to _____.

6. We have read, and have in our possession, and agree to comply with, the provisions of Schedule "A" - Terms and Conditions under which the Lottery Licence is issued.

SIGNED _____

SIGNED _____

SCHEDULE "D" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

(continued)

CERTIFICATE

We, (name) _____ and (name) _____
of (organization) _____
of the City of Winnipeg, jointly and severally, hereby certify that:

- (1) We have knowledge of the matters herein set out,
- (2) We have read over this application,
- (3) All facts stated and information furnished herein are true and correct,
- (4) We are the holders of the offices with descriptive title as set out and appearing under our respective signatures below,
- (5) If a licence is granted, we undertake to comply with all the terms and conditions of such licence.

Signed _____

Signed _____

Print Name _____

Print Name _____

Title _____

Title _____

Address _____

Address _____

Date _____

Date _____

Witness (sign) _____

Witness (sign) _____

CITY CLERK.**SCHEDULE "E" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG**

Issued under the authority of the Provincial Auditor, Province of Manitoba

Financial Statement submitted by the Licensee to the Licensing Municipal Government as required by section 14 of the Regulations pertaining to Lotteries licensed by Municipal Governments.The City of Winnipeg

Name of licensing Municipal Government

Name of Licensee

License Number _____ Date License issued _____

Date or period of lottery, etc. _____
(In cases of on-going undertakings financial statements must be submitted at the end of each calendar year.)Statement showing accounting for fundsGross receipts, indicate particulars of lottery, etc.:

\$ _____

Less: Administrative expenses,
itemize by kinds of expenses such
as printing, advertising, etc.:

\$ _____

Cost of prizes awarded,
give particulars:

\$ _____

SCHEDULE "E" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

(continued)

Net receipts

Net receipts were distributed as follows:

<u>Name of Organization</u>	<u>Date Payment was made</u>	<u>Amount</u>

Total distributed		\$ _____

Statement showing accounting for tickets.

Number of tickets printed	_____
<u>Less:</u>	
Number of unsold tickets on hand	_____
Number of tickets not returned	_____
Number of tickets sold and funds accounted for	_____

I certify that the foregoing is a true and correct statement accounting for the funds of the lottery scheme licensed by The City of Winnipeg under License No. _____.

_____ Witness	_____ Treasurer
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Dated at _____, this _____ day of _____ 19

CITY CLERK.

SCHEDULE "F" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

Issued under the authority of the Department of Attorney-General, Province of Manitoba
Council of The City of Winnipeg

Licence Fees - Bazaar Lottery Schemes

1. The appropriate licence fee is to accompany the application.
2. Please do not send cash through the mails.
3. FEE SCHEDULE

A fee of _____ is required to accompany the application.

4. Cheques or money orders to be made payable to

Commissioner of Finance of The City of Winnipeg

CITY CLERK.

SCHEDULE "G" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

Issued under the authority of the Department of Attorney-General, Province of Manitoba

Council of The City of Winnipeg

APPLICATION TO MANAGE AND CONDUCT A LOTTERY TYPE SCHEME AT A BAZAAR

We, the undersigned, as two principal officers of record of (organization) _____

(address) _____

apply for a licence to manage and conduct a Lottery Type Scheme at a Bazaar to be managed and conducted by us upon those premises municipality known as _____

and situated in the City of Winnipeg at the dates and times, and for the charitable or religious objects or purposes, and in the manner described herein.

1. The charitable or religious objects or purposes to which proceeds are to be devoted are described as _____

_____.

2. The lottery type scheme(s) to be operated at the said Bazaar are to be restricted to (describe) _____

_____.

3. We have read, and have in our possession, and agree to comply with, the provisions of Schedule "A" - Terms and Conditions under which the Lottery Licence is issued.

SIGNED _____

SIGNED _____

SCHEDULE "G" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

(continued)

CERTIFICATE

We, (name) _____ and (name) _____
of (organization) _____
of the City of Winnipeg, jointly and severally, hereby certify that:

- (1) We have knowledge of the matters herein set out,
- (2) We have read over this application,
- (3) All facts stated and information furnished herein are true and correct,
- (4) We are the holders of the offices with descriptive title as set out and appearing under our respective signatures below,
- (5) If a licence is granted, we undertake to comply with all the terms and conditions of such licence.

Signed _____

Signed _____

Print Name _____

Print Name _____

Title _____

Title _____

Address _____

Address _____

Date _____

Date _____

Witness (sign) _____

Witness (sign) _____

CITY CLERK.

SCHEDULE "H" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

Issued under the authority of the Department of Attorney-General, Province of Manitoba

Council of The City of Winnipeg

LICENCE FEES - BINGO LOTTERIES

1. The appropriate licence fee is to accompany the application.
2. Please do not send cash through the mails.
3. FEE SCHEDULE
 - (A) For a single Bingo lottery licence:
 - where the sum entered at Section (3) of the application does not exceed \$500.00 - a fee of \$2.00
 - where the sum entered at Section (3) of the application exceeds \$500.00 and not more than \$3,000.00 - a fee of 1% of the total value of the prizes to be awarded
 - (B) For a series of Bingo lotteries covered by one licence:
 - where the sum entered at Section (3) of the application does not exceed \$500.00 - a fee of \$2.00 multiplied by the number of lotteries to be operated in the period shown.
 - where the sum entered at Section (3) of the application exceeds \$500.00 and not more than \$3,000.00 - a fee of 1% of the total prizes to be awarded, multiplied by the number of lotteries to be operated in the period shown.
4. Cheques and money orders to be made out to:

Commissioner of Finance of The City of Winnipeg

CITY CLERK.**SCHEDULE "I" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG**

Issued under the authority of the Department of Attorney-General, Province of Manitoba

Council of The City of Winnipeg

APPLICATION TO MANAGE AND CONDUCT A BINGO LOTTERY

We, the undersigned, as two principal officers of record of (organization) _____

(address) _____

apply for a licence to manage and conduct a Bingo Lottery upon those premises municipality known as _____

and situated in the City of Winnipeg at the dates and times, and for the charitable or religious object or purpose, and in the manner described herein.

1. Check one

A single Bingo lottery to be held on (date) _____ starting at _____ finishing at _____.

A series of Bingo lotteries to be held in the period from (date) _____ to (date) _____ each lottery starting at _____ and finishing at _____, and at the rate of once every week or once every (specify) _____.

2. The charitable or religious objects or purposes to which proceeds are to be devoted are described as _____

_____.

3. The total value of all prizes to be awarded within the operation of each Bingo lottery for which this application is made is not to exceed \$ _____ cash value, or merchandise or articles at equivalent market retail value.

4. We have read, and have in our possession, and agree to comply with, the provisions of Schedule "A" - Terms and Conditions under which the Lottery Licence is issued.

SIGNED _____

SIGNED _____

SCHEDULE "I" TO BY-LAW NO. 145/72 OF THE CITY OF WINNIPEG

(continued)

CERTIFICATE

We, (name) _____ and (name) _____
of (organization) _____
of the City of Winnipeg, jointly and severally, hereby certify that:

- (1) We have knowledge of the matters herein set out,
- (2) We have read over this application,
- (3) All facts stated and information furnished herein are true and correct,
- (4) We are the holders of the offices with descriptive title as set out and appearing under our respective signatures below,
- (5) If a licence is granted, we undertake to comply with all the terms and conditions of such licence.

Signed _____

Signed _____

Print Name _____

Print Name _____

Title _____

Title _____

Address _____

Address _____

Date _____

Date _____

Witness (sign) _____

Witness (sign) _____